

Applicants : Peter D. Kwong et al.  
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not wish the PCT application to enter the national or regional stage. It was Dr. Weinberger's intent, in so instructing Mr. Landa, and through him Mr. White and Cooper & Dunham LLP, that the PCT application should not enter the regional or national stage in any country foreign to the United States, but that the application should go forward and be prosecuted in the United States. At the time in question, Dr. Weinberger did not know or believe that her instructions would be understood as applying to the United States or that they would lead to abandonment of the application in the U.S. In particular, she did not realize that "national stage" as referred to in Mr. White's letters of March 10 and April 10, 2000, included the United States; on the contrary, having inadvertently failed to see the mention of the United States in the long block paragraph recital of states and regions in those letters, she thought that "national or regional stage" referred only to countries and regions foreign to the United States, and that the application would (as she and Columbia University intended at all times) be prosecuted in the United States, since she intended and believed that her instructions concerning the national stage applied only to states and regions foreign to the United States.

10. Mr. White, on the other hand, believed that Dr. Weinberger's telephoned instructions on May 5, 2000 (which Mr. Landa reported to Mr. White), constituted an instruction not to enter the national stage in any country including the United States, in as much as Mr. White's letters of March 10 and April 10, 2000, had mentioned the United States as well as all the other